inal case for newly discovered evidence, chiefly impeaching, is properly denied.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 15, Criminal Law, §§ 2331, 2332.]

SCHWALM *v.* BEARDSLEY.

Jan. 17, 1907.

[56 S. E. 135.]

1. Deeds—Construction—Description of Property—Plats.—Where a deed described land as a lot laid off and designated on a certain plat of survey, the plat becomes as much a part of the deed as if it were copied into it.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 16, Deeds, §§ 323, 324.]

2. Boundaries—Description—Party Walls.—A deed describing land as extending to a party wall, where the grantor owned the land on both sides of the wall, conveys to the center of the wall, notwithstanding a discrepancy in the width of the lot resulting from this construction, since courses and distances yield to monuments called for in a deed.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 8, Boundaries, § 18.]

MORGAN et al. *v.* BOOKER.

Jan. 17, 1907.

[56 S. E. 137.]

1. Appeal—Review—Additional Proofs.—In a suit by the holder of a note to set aside an order of the court, and an entry by the clerk of court, in pursuance thereof, releasing a deed of trust securing the note, where the evidence is conflicting as to the transfer of the note to the complainant, and the credibility of witnesses is involved, and it is not clear that justice has been done, a decree in favor of complainant will be reversed, and an issue framed to be tried before a jury to ascertain whether the complainant was in good faith the owner and holder of the note.

2. Witnesses—Competency—Transactions with Decedents.—In an action by the holder of a note against the grantor in a deed of trust to set aside a release of the deed of trust, though the note had been transferred to the complainant by a person since deceased, complainant is a competent witness on the issue whether he was in good faith the owner and holder of the note for value, where the amount of the note had been paid after its alleged transfer to the original holder.